

**Notice of Allowability**

Application No.

10/682,596

Examiner

Betsey M. Hoey

Applicant(s)

KING ET AL.

Art Unit

1724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 27 June 2005.
2. ☒ The allowed claim(s) is/are 46-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

On page 2, paragraph 1 of the specification, after "This application", -- is a division of U.S. patent application number 09/945,207, filed August 31, 2001, which -- has been inserted.

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 8-22 appear to be informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

4. Claims 46-64 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 46-51 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a water treatment system comprising a free standing water treatment device located within a housing supporting a contained water volume, wherein the device has a water treatment material therein and is located completely below a water line of the water volume, and wherein the device includes a container for holding the water treatment material with openings for water. It is submitted that the prior art of

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record used to reject these claims in the previous Office Action disclose a suctioned device, not a free standing device as recited.

Claims 52-56 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a water treatment system comprising a free standing water treatment device containing water treatment material that is supported by a housing containing a water volume, wherein the device is below a water line of the contained water volume, and wherein the device comprises a container for holding the water treatment material that has a passage for water. It is submitted that the prior art of record fails to teach the combination of a device containing water treatment material that is both supported by a housing and located below a water line of contained water volume supported by the housing as recited.

Claims 57-61 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a method of purifying water comprising placing a free standing water treatment device comprising a container of water treatment material in a housing completely below a water line of contained water volume in the housing, and allowing water in the water volume to access the treatment material.

Claim 62 is allowed because the prior art of record fails to teach, disclose, or fairly suggest a water treatment system comprising a free standing water treatment device having a water treatment material, the device having an exterior surface for supporting the device on a housing having a contained water volume, wherein the device is located completely below a water line of the contained volume and has an opening for water. It is submitted that the prior art shows devices with means on the


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exterior surface for supporting the device, but these means do not provide the device to be supported such that the device is free standing, as recited in the instant claims and shown in the figures of the instant application.

Claims 63 and 64 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a method of purifying water comprising forming a free standing container having a fluid treatment material therein, wherein the material is not sufficiently buoyant to float; placing container in a contained fluid; and allowing the container to submerge completely below a fluid line of the contained fluid for purification of the fluid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is **(571) 272-1158**. The examiner's supervisor, Mr. Duane Smith, may be reached at (571) 272-1166. Any inquiry of general nature may be directed to the Group receptionist at (571) 272-0987. The centralized fax number for the Group is (571) 273-8300.

  
**BETSEY MORRISON HOEY**  
**PRIMARY EXAMINER**  
September 17, 2005